

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

HON. SUSAN D. WIGENTON

Civil Action No. 2:09-cv-1303

Plaintiff,

MATTHEW HULL, ET AL.,

CERTIFICATION OF DEFENDANT
MATTHEW HULL

Defendants.

I, Matthew Hull, being of full age, hereby certifies as follows:

1. I am one of the Defendants in the above captioned matter and am familiar with the facts of this case. I now understand there is presently a motion to enforce some aspects of this case which has been going on for a number of years. I file this motion in opposition to the United States government's case.
2. I have been previously represented by different counsel and frankly we provided that counsel with much information and I do not believe that all of the facts in this matter have been either brought forth and/or presented to the Court.
3. I have always believed that the property the government is seeking to have ownership is mine and my brother's. We have spoken up about what we believe is our ownership of the property and probably do not truly understand the legal procedures we have gone through and the reasons the government has wanted our property.
4. I wish to apologize to the Court if your Honor might think we are being difficult or uncooperative, but we honestly do not understand how this case even comes about.

5. To put this matter in perspective for the Court, I have grown up within a mile of the property we now own. The property in question is known as Old Mine Road in Sandyston Township, New Jersey. As the court is aware by now, Old Mine Road is simply a dirt and gravel road created by the original owner of the property named George Smith. There were no other roads through his property, he created a flat road just to move around his property.
6. Old Mine Road as it's called is simply a dirt and gravel road that was used only by my brother and I to move around our property. When I and my brother were about 13 years old and could operate farm tractors or other equipment we worked for Enos "CY" Harker, the owner of the property. So we are familiar with the property for over 30 years. During those times, no one used the roads and no government agency maintained the road.
7. Harker owned the property which consisted of about 130 acres. He would raise cattle and grow hay for income. We helped him with the growing and harvesting of the hay. As a result we were quite familiar with his farming of the property and maintenance of the property.
8. Sometime around 1999, Harker talked about selling the property to the Hull's. Sometime around 2002, Harker spoke to me about purchasing the property. I offered to purchase the property and allow him to live their as long as he could. He even took me around the property and told me all the things that needed repair. However, he got anxious about selling as he was about 89 years old. He advised us that the Park Service wanted to purchase the road for the sum of \$1.00 and he stated that it would be several acres of his land and they refused to offer him fair market value of the property. I even remember that

since he refused the park maintenance they would plow a wall of snow at his entrance to the road.

9. In 2006, Enos Harker, died of a heart attack while riding his tractor over his property. He always said if he was going to die it was going to be working his tractor.

10. After he passed, his heirs approached my brother and I about purchasing the property as Harker's last statement to his heirs was that he wanted my brother and I to purchase the property.

11. So with our history we are quite familiar with the property and its use and maintenance.

12. On or about September, 2007, my brother, wife and I purchased the 130 acres from the Estate of Enos Harker for the sum of \$1 million with clear title search showing that Old

Mine Road was simply a part of the land we purchased and with no easements.

13. Several days after we purchased the property we were approached by Brad Clausen, a former friend and Chief Park Ranger working with the Park's Department of the government. He started that they would be maintaining the property like they always have. I told him that it was not true and that the government never plowed the road. The only people to maintain the road was my brother, father or I. Since then we closed the gates on the road. We put saw horses as the entrance to the road. Harker did the same. He closed the road once yearly to make sure no one had access to the road.

14. We later received a letter from John Donohue, the Superintendent of the park, stating that he wanted to use the property. Our property is private property. We border on park property. My brother and I went to the Mayor in 2007 and complained about the government trying to use our private road. The Mayor, George Harper, reviewed the

matter and got the Town Counsel involved and he advised that the road was our private property. Accordingly we kept our gates up.

15. On October 29, 2007, John Donahue came to my house trying to get us to open our property to the public, which we refused. Donahue then stated that he would have the government use whatever powers he could to have the government take over the property.
16. Sometime in the next year, the government came in with three people investigating the property and they took every piece of correspondence out of the town minutes that supported our claim that the property was our private property. We know this because the clerk of the town, called me and told me what they did, which was put everything in a brown paper bag in the basement we found them years later making discovery harder. The bag is still in the basement. I have a copy of the documents which clearly states that my property is my private property and that the quit claim deed on the property is not and was not acceptable because the United States cannot accept a quit claim deed and that it was properly vacated and could not accept property that had encumbrances, which is our mortgage.
17. Thereafter the government had a surveyor named Gerold DeGroat, who made a report and his report was unfavorable to the government. They refused his report, even though they never provided this report.
18. Thereafter, they went out and hired another surveyor, named Worley and McCabe, and they drafted an overview, and not a true survey, contending that the title was with the government. Our expert opines that their work was not by a certified land surveyor.
19. Thereafter, Cynthia Branley, the secretary to John Donahue, working out of her job classification, in 2008, she filed a false deed to the property not listing the exact parcel of

land, paid a real estate transfer tax of a portion of the property, with her own money. The deed did not contain a lot or block and stated no consideration. A consideration was created as recording then crossed out by hand to state zero. As a result of this the Sussex County's Prosecutor came in to investigate and still has an open file on this matter. As well as Congressman Gottheimer's office

20. As a result of this false deed being recorded, although it was never indexed, because there is no lot or block or consideration paid, the government took the opportunity to bring this action.

21. Thereafter, this lawsuit commenced. We sought counsel to help us defend our right. We ended up with Will Ward, Esq., We also brought in Mountain States Legal Foundation.

Unfortunately, we went through many attorneys in that office.

22. After suit was commenced the government brought in appraisers to calculate the amount of the entire property value and the value of the property which the road sits. The roadway portion of the property was valued at \$138,000.00, of which is part of Hollenstein report. The entire property was valued at about \$1.5 million. We have not received any consideration on this property from the government.

23. As part of the procedures we appeared before Judge Arleo, who tried to settle the matter. She asked if we would settle for the sum of \$115,000.00, we did not want the money. We were given an assignment that we had to get the heirs to sign off the settlement because the deed from Harker stated that none of the property was to be sold or given to the federal government. The heirs refused to sign off, but we never understood that aspect of this matter. We were offered money but it was never given to us. We were told that due to policy changes at the United States Attorney's Office, the money was shortly going away.

If they were to pay is, that meant they did not own the property and were seeking to purchase it. If they already owned the property why would they have to pay?

24. There was a standstill for a while. Then apparently, the motion for summary judgement was filed and then ruled on by your Honor.

25. We had asked our attorney at the time to obtain an expert in title issues, but that was not done. Apparently papers were submitted and your Honor made the ruling that the government owned a portion of the dirt roadway running through our private property.

We asked our attorneys to appeal the decision because we did not believe all the information that was available was ever presented to the Court.

26. There were issues of the size and width of the road, the taking without consideration, the fact that our septic system is under the road and any liability for issues on the road.

27. After your Honor made her ruling another court date was set for damages and to clarify the Court's decision. Frankly, I am not clear on what the trial was to be for except that a settlement conference was set. At the conference I was advised that if I did not consent to the government's position, I was going to jail and was going to have to pay thousands of dollars in fines.

28. My brother, wife and I decided that we did not want to go to jail or pay fines. Still we could not understand that we lost our property, received no money and faced jail time and fines. We simply were protecting our private property rights.

29. I know were reaching, but we have the documentation to provide the court if we could have a plenary hearing on what I listed above. We have the documentation. More importantly, we retained an expert on title issues and can now present his report which I believe clarifies the issues showing it's our property.

30. I will tell the Court, I have no idea why this government employee believes the property is so necessary or important to him. The United States has previously recorded this relevant section of Old Mine Road, as the private property of Enos Harker prior to our purchase. On both sides of this dirt road is our private property. There is a paved road a short distance away that is used substantially.

31. I am now aware of the procedures and in this matter and realize that a great deal of time passed. There was to be a survey done and approved by us within 30 days but was not. We do not approve of the survey that was presented and stated so. The survey is lacking main facts that are to be of a sure nature.

32. I respectfully request that the court denies the application of the government and give us our plenary hearing to present the above information and our expert to fully hear the facts of this case. I know I am asking a lot. I will advise the Court that my whole life has been involved in the excavation business. I do not have a secondary education, I simply base my understanding on what I see or know. I am thankful for the Court to review this certification and hope that it provides some explanation for my actions.

33. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: 11-28-17


Matt Hull